

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

GEOTAG, INC.,

Plaintiff,

v.

**EYE CARE CENTERS OF AMERICA,
INC., et al.,**

Defendants.

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No. 2:12-cv-404-MHS

JURY TRIAL DEMANDED

**GEOTAG, INC.'S RESPONSE TO DEFENDANT VISIONWORKS OF AMERICA INC.'S
NOTICE OF JOINDER IN DEFENDANTS' MOTION TO STAY**

Plaintiff GeoTag, Inc. ("GeoTag") hereby responds to Defendant Visionworks of America Inc.'s ("Visionworks") Notice of Joinder in Defendants' Motion to Stay filed on June 4, 2012, Dkt. No. 308, as follows.

Defendant Visionworks requests the Court stay this action in favor of the declaratory judgment action filed by Microsoft and Google pending in Delaware. Visionworks does not present any evidence or argument explaining how the Delaware litigation would resolve GeoTag's claims against it in this litigation. Instead, Visionworks relies entirely on the arguments previously made to the Court by other defendants in other actions. But none of those arguments even suggested that the Delaware litigation could resolve all or even most of the issues regarding GeoTag's claims against Visionworks. Indeed, Visionworks does not present any evidence or argument that GeoTag's claims against it share any common issues with the Delaware litigation.

This Court in *Levine v. Casio America Inc.*, Civil Action No. 2:11-cv-00056-MHS (E.D. Tex. May 2, 2012) recently denied a motion stay for similar reasons. In that lawsuit, the Court

declared that, “[a]lthough some issues may be resolved in [the other pending lawsuit], the Court is unpersuaded that the resolution of that case would entirely resolve the instant matter. Ultimately, judicial economy would be better served by allowing both cases to proceed contemporaneously.” *Id.* at 3. The same is true in this case.

For the foregoing reasons, the Court should deny Visionworks’ motion.

Dated: June 18, 2012

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a) on this 18th day of June, 2012. Any other counsel of record will be served by facsimile transmission.

/s/ Eric W. Buether _____

Eric W. Buether